

United States District Court  
Eastern District of California

James T. Rodgers,

Plaintiff,

vs.

Greg Steber, et al.,

Defendants.

No. Civ. S 05-0850 DFL PAN P

Findings and Recommendations

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Plaintiff is a state prisoner prosecuting this civil rights action without counsel.

July 15, 2005, date, the court dismissed plaintiff's claims

against defendants Greg Steber and the Placer County Medical

Department pursuant to 28 U.S.C. § 1915A, with leave to amend.

The court informed plaintiff he could proceed against defendant

Joanne Hendricks by submitting materials for service within 15

days, but the court would construe his election so to proceed as

consent to dismissal of his claims against defendants Greg Steber

1 and the Placer County Medical Department without leave to amend.

2 July 19, 2005, plaintiff submitted materials for service of  
3 defendant Joanne Hendricks. I find plaintiff has consented to  
4 dismissal of claims against defendants Greg Steber and the Placer  
5 County Medical Department without leave to amend.

6 Accordingly, the court hereby recommends that claims against  
7 defendants Greg Steber and the Placer County Medical Department  
8 be dismissed without prejudice.

9 Pursuant to the provisions of 28 U.S.C. § 636(b)(1), these  
10 findings and recommendations are submitted to the United States  
11 District Judge assigned to this case. Written objections may be  
12 filed within 20 days of service of these findings and  
13 recommendations. The document should be captioned "Objections to  
14 Magistrate Judge's Findings and Recommendations." The district  
15 judge may accept, reject, or modify these findings and  
16 recommendations in whole or in part.

17 Dated: August 4, 2005.

18 /s/ Peter A. Nowinski

19 PETER A. NOWINSKI  
20 Magistrate Judge  
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